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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,207	12/16/2003	Randy Haagens	200313142-1	5771

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ANWARI, MACEEH

ART UNIT	PAPER NUMBER
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2444

NOTIFICATION DATE	DELIVERY MODE
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04/22/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RANDY HAAGENS and MALLIKARJUN CHADALAPAKA

Application No. 10/737,207
Technology Center 2400

Mailed: April 22, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention.

APPEAL BRIEF: SUMMARY OF CLAIMED SUBJECT MATTER

Appellant filed an Appeal Brief dated April 29, 2008. The Appeal Brief is not in compliance with 37 C.F.R. § 41.37(c) effective September 13, 2004.

According to 37 C.F.R. § 41.37(c)(v), an Appeal Brief must include the following:

(v) *Summary Of Claimed Subject Matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which must refer to the specification by page and line number, and to the drawing, if any, by reference characters. While reference to page and line number of the specification requires somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of 37 CFR 41.37(c)(1)(vii), every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The “Summary of Claimed Subject Matter,” appearing on pages 2-6 of the Appeal Brief filed, is deficient because it does not separately map independent claims 1, 11, 21 and 26 to the specification. Correction is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- (1) hold the Appeal Brief filed on April 29, 2008 defective;
- (2) notify Appellants to file a paper properly addressing the Appeal Brief's Summary of Claimed Subject Matter;
- (3) acknowledge and consider any paper submitted by Appellants to correct the Appeal Brief; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/BIM

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